

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

COLBY LEE APLIN,

Case No. 6:17-cv-01222-MO

Plaintiff,

ORDER

v.

OREGON DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

MOSMAN, District Judge.

This case comes before the court on plaintiff's Motion for Restraining Order (#6). "A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court." *Zepeda v. United States Immigration Service*, 753 F.2d 719, 727 (9th Cir. 1985). Where defendants have not yet waived service or been

served in this case, the court lacks power to grant plaintiff's requested relief. Accordingly, plaintiff's Motion is denied.

IT IS SO ORDERED.

DATED this 30 day of October, 2017.

A handwritten signature in black ink, appearing to read "Mosman", is written over a horizontal line.

Michael W. Mosman
United States District Judge